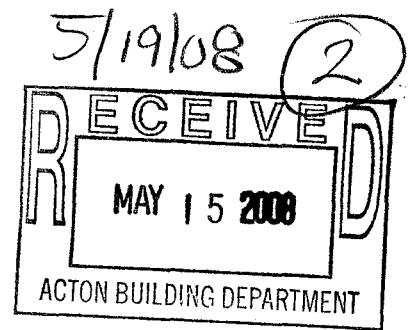


Acton Survey & Engineering, Inc.
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Phone: (978) 263-3666 • Fax: (978) 635-0218
Email: actonsurvey@verizon.net



May 14, 2008

Board of Selectmen
472 Main Street
Acton, MA 01720

Re: SPSP # 02/19/03-3888
60 Powder Mill Road
Autoplex Realty, LLC
5235, b26

Dear Board Members:

Please find enclosed two photographs of a "mock-up" of the ramp that has been suggested to be installed to provide a "Connection of Parking" between the properties at 60 and 56 Powder Mill Road pursuant to Section 6.9.6.2 of the Zoning Bylaw.

The first photograph demonstrates the height of the wall and that it presents a physical restraint to the required Connection per 6.9.6.2. We believe that the incursion of the 100 year flood plain in this area should also be considered a physical restraint.

The second photograph is an attempt to show the extent to which the ramp would extend into the property at 56 Powder Mill Road. The white lines are 25 foot long surveyor's rods and the actual ramp is 40 feet long.

The properties at 56 Powder Mill consist of buildings with historic and aesthetic values worthy of preservation and the extension of the ramp onto this property would add a significant constraint to their economic usefulness. Mr. Bertolami has successfully adapted and preserved the Wetherbee and Station Master's Houses at other projects in Town and is of the opinion that the preservation of the buildings at 56 Powder Mill Road relies on the ability to use the property without the constraints to parking placed by the suggested ramp and the access route to and from it.

Section 6.9.6.2 states that "present site configuration" is a reason for not requiring a Connection of Parking. We believe that the location of the present buildings are configured to cause the ramp to unnecessarily intrude on the use of 56 Powder Mill Road.

Our client will, with reluctance, agree to allow provisions for a ramp at 60 Powder Mill Road if found necessary during the processing of a Site Plan Special Permit for 56 Powder Mill Road.

The second photograph shows the location of the first of four service doors at 60 Powder Mill Road. The required Connection of Parking must pass 20 feet from the doors making the travel of vehicles in this area with persons unfamiliar with possible hazards undesirable.

Reiterating our previous letters concerning this matter:

- While Mr. Bertolami holds an interest in both 56 Powder Mill Road and 60 Powder Mill Road, they are owned by separate parties and the owners of 56 Powder Mill Road object to the construction of a ramp on their property.
- The existing retaining wall and flood plain present physical restraints.
- Filings must be made with the Zoning Board of Appeals and the Conservation Commission.
- Our client is willing to install a fire hydrant along the frontage of 60 Powder Mill Road to increase the efficiency of and provide fire fighting water flows to his and other properties on both sides of Powder Mill Road.
- Our client will mark an area for an SU 30 vehicle turning movements on the pavement of 60 Powder Mill Road as a fire lane.

Thank you for any consideration you may give to this matter.

Very truly yours,
Mark T. Donohoe, PE



For:
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Alan R. Curhan, Esq



Picture 1



Picture 2

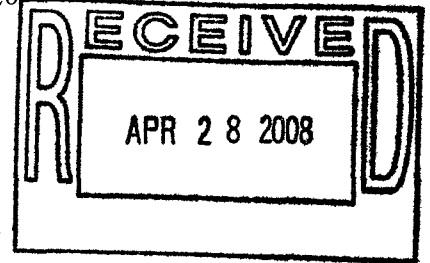
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April 28, 2008

Board of Selectmen
472 Main Street
Acton, MA 01720

Re: SPSP # 02/19/03-3888
60 Powder Mill Road
Autoplex Realty II, LLC
5235, b26

Dear Board Members:

On behalf of our client this office is requesting that you extend any discussions or decisions pertaining to our client's request for a Site Plan Amendment and the of his property at 60 Powder Mill Road for two weeks.

The Town Planner's Interdepartmental Communication of last Wednesday evening was not received and read by this writer or our client until Thursday afternoon. The IDC defers to the Fire Chief for recommendations and our client desires to receive the Chief's recommendation before any public forum.

We believe that any discussions with the Board concerning this matter would best occur after our client has been informed of the Chief's recommendations to the Board and the opportunity to carefully consider the impacts to the property involved.

Thank you for any considerations you may give this request.

Very truly yours,
Mark T. Donohoe, PE

for:
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Roland Bartl, AICP
Chief Robert Craig.

4/28/08

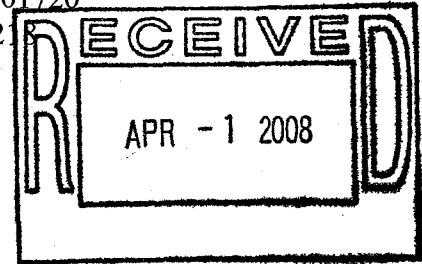
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March 31, 2008

Board of Selectmen
472 Main Street
Acton, MA 01720

Re: SPSP # 02/19/03-3888
60 Powder Mill Road
Autoplex Realty, LLC
5235, b26

Dear Board Members:

The purpose of this letter is to present a summary of my meetings with Town Staff since this matter was last discussed by the Board and to present a possible resolution of this matter that is acceptable to our client.

The history of the connection between 56 and 60 Powder Mill Road was summarized in Mr. Bartl's letter of December 21, 2007.

It should be noted that the ramp shown on the initial site plan was to provide a means of shuttling cars by employees at low speeds between the two properties in the event such movements were found to be desirable and frequent. Our client's experience has found the movement of vehicles between the sites has been very infrequent and that the provision of a ramp is undesirable.

The Zoning Bylaw under 6.9.6.2 requires for the connection of all parking facilities, by a common driveway, unless the Board finds that physical constraints, present site constraints, or uncooperative abutters precludes strict compliance.

The bylaw does not specifically require that a fire lane be constructed. Mr. Bartl did state at the end of our last meeting that as part of Site Plan Approval the Board could require a Fire Lane to be constructed.

During my meeting with Mr. Bartl the enclosed plan showing that the existing parking lot has sufficient room to allow a SU 30 [a thirty foot long vehicle] to enter the site, backup and leave the site, with ease.

Noting that the parking of vehicles in vehicle sales and repair facilities often occurs outside of marked spaces, I suggested that the limits of the shaded areas shown to be required for the SU 30 turning movements be painted on the surface of the parking along with words Fire Lane.

It is my opinion that insuring that a proper turning area is available at 60 Powder Mill Road will provide a better solution than requiring a ramp onto the 56 Powder Mill Road site as access through 56 Powder Mill Road could be obstructed by a vehicle parked slightly out of place or by improperly plowed snow.

I also noted that the only fire hydrant in this section of Powder Mill Road is located at the intersection of Old High Street requiring a fire truck to drive past the buildings [Suzuki, Moscariello's, Subaru and Prescott Paint], connect to the fire hydrant and travel back in the opposite direction.

It is my understanding that Moscariello's, Subaru and Prescott Paint do not have fire suppression sprinklers.

The provision of a hydrant in front of 60 Powder Mill Road would allow a fire truck to make a rapid connection when entering the area over the Route 62 Bridge. Our client is willing to install a hydrant in front of 60 Powder Mill Road. With a hydrant in front of 60 Powder Mill Road there would be no need for a fire engine to drive onto the site.

Mr. Bartl deferred a decision as to the substitution of the delineation of the Fire Lane and provision of a fire hydrant for the ramp to Chief Craig.

I then met with Chief Craig and he has deferred the decision to the Board.

As the membership of the Board has changed since the initial Site Plan Approval it might be informative to describe why this portion of the site was elevated to the extent that a ramp must be constructed if vehicles are to pass between 56 and 60 Powder Mill Road without using the Town's Road.

- The site with the exception of the area directly adjacent to Powder Mill Road was filled [by others] with construction debris and to achieve the two foot offset required by State Guidelines for the recharge of stormwater runoff from the parking lot the site was required to be raised in elevation.
- Recharge was chosen to eliminate a direct discharge of stormwater runoff to the Assabet River. This choice has been confirmed to be correct as an endangered species [freshwater muscles] have been since discovered in this section of the Assabet River.
- To limit the loss of flood storage [the southwesterly portion of the site is within the 100 flood plain of the Assabet River] a retaining wall was required to be constructed offset from and parallel to the 60/56 property line.
- The height of the retaining wall is four feet.

A ramp suitable for a fire truck requires a lengthy transition zone between the horizontal pavements of the two parking lots, which extends the ramp onto the 56 Powder Mill Road

property and while our client holds an interest in both properties he objects to the required extension as it will interfere with snow plowing.

The ramp will also be constructed within 100 feet of the Assabet River and within its 100 year flood plain requiring filings with both the Conservation Commission and the Zoning Board of Appeals. Separate filings will be required for each property.

Our client will agree to a condition that if the Board under a Site Plan Approval for 56 Powder Mill Road should require that a connection be made between 56 and 60 that he will allow and facilitate the required connection.

In Summary:

- A fire truck or ambulance can enter and exit the 60 Powder Mill Road site with one simple backing movement to allow it to reenter Powder Mill Road traveling forward.
- A Fire lane through 56 Powder Mill Road could be hindered by vehicles parked improperly.
- The construction of a ramp structure on 56 Powder Mill Road is objected to by the property's owner and will require filings with the Conservation Commission and Board of Appeals.
- Our client is willing to paint the limits of the area required for the turning movements and designate it as a Fire Lane.
- Our client is willing to install a fire hydrant in front of 60 Powder Mill Road which will decrease the response time for fire fighting for not only 60 Powder Mill Road but other nearby buildings that do not have fire suppression sprinklers.
- Our client is willing to dedicate the area required for a parking lot connection from 56 Powder Mill Road onto 60 Powder Mill Road if such a connection is deemed necessary under a Site plan Approval for 56 Powder Mill Road.

Very truly yours,
Mark T. Donohoe, PE

for: 
Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Chief Robert Craig
Roland Bartl, AICP